

lower, and injuriously affect their quality and strength; in that products containing added glucose, water, and pectin had been substituted for pure preserves, which the articles purported to be; and in that added water, glucose, and pectin had been mixed with the articles in a manner whereby their inferiority had been concealed.

On October 30, 1936, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$250 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

26540. Adulteration and misbranding of apricot preserve. U. S. v. 11 Cases of Apricot Preserves. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. & D. no. 37358. Sample no. 55935-B.)

This case involved alleged apricot preserve that was deficient in fruit and contained excess sugar and added pectin and acid.

On March 16, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of apricot preserve at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 5, 1935, by Holsum Products, from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Centrella Brand Apricot Pure Fruit Preserves Distributed by Central Wholesale Grocers Inc. Chicago, Ill."

The article was alleged to be adulterated in that sugar, pectin, and acid had been mixed and packed with it so as to reduce or lower its quality; in that a mixture of fruit, sugar, pectin, and acid containing less fruit and more sugar than a preserve should contain had been substituted for a preserve; and in that the article had been mixed in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement on the label, "Apricot Pure Fruit Preserves", was false and misleading and tended to deceive the purchaser when applied to a product deficient in fruit and containing excess sugar and added pectin and acid; and in that it was an imitation of and was offered for sale under the distinctive name of another article.

On September 15, 1936, the Jewett & Sherman Co., Milwaukee, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

26541. Adulteration and misbranding of preserves. U. S. v. 51 Cases of Peach Preserves, et al. Decree of condemnation. Portion of product released under bond; remainder destroyed. (F. & D. nos. 37379, 37380, 37444. Sample nos. 51480-B, 51481-B, 51482-B, 51487-B, 51488-B, 51489-B, 51491-B, 51493-B, 51494-B, 55583-B, 55929-B.)

These cases involved assorted preserves that were deficient in fruit and contained excess sugar. The products contained added acid or pectin or both acid and pectin.

On March 20 and 27, 1936, the United States attorneys for the Northern District of Illinois and the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 114 cases of peach preserves at Chicago, Ill., and 421½ cases of assorted preserves, which included blackberry, peach, and damson preserves, at Richmond, Va., alleging that the articles had been shipped in interstate commerce between the dates of February 6, 1935, and January 29, 1936, by Madison Food Products Co., from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were variously labeled: "None-Such Brand Pure Peach Preserves"; "Edwards Brand * * * Peach [or "Blackberry"] Preserves Packed by the Wm. Edwards Co. Cleveland, Ohio"; "First Prize Brand * * * Pure Peach [or "Damson"] Preserves * * * The William Edwards Co. Distributor Cleveland, Ohio"; "Edwards Brand * * * Pure Peach [or "Damson" or "Blackberry"] Preserves Distributors The Wm. Edwards Co."

The articles were alleged to be adulterated in that mixtures of fruit and sugar, containing added acid or pectin or both acid and pectin, and containing less fruit and more sugar than preserves should contain, had been substituted

for preserves; and in that sugar and acid in the case of certain lots, sugar and pectin in the case of certain lots, and sugar, acid, and pectin in the case of certain other lots, had been mixed and packed with the articles so as to reduce or lower their quality and had been mixed with the articles in a manner whereby inferiority had been concealed.

The articles were alleged to be misbranded in that they were imitations of and were offered for sale under the distinctive names of other articles; and in that the statements, "Blackberry Preserves", "Pure Peach Preserves", "Pure Damson Preserves", and "Pure Blackberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves should contain.

On September 15, 1936, Jewett & Sherman Co., Milwaukee, Wis., claimant for the two lots of peach preserves seized at Chicago, Ill., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the products be released under bond to be relabeled under the supervision of this Department.

On August 27, 1936, no claimant having appeared for the products seized at Richmond, Va., judgment of condemnation was entered and it was ordered that they be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26542. Adulteration and misbranding of olive oil. U. S. v. 29 One-gallon Cans, et al., of Alleged Olive Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. & D. nos. 37385, 37414, 37420, 37421, 37422, 37434, 37436, 37479, 37504, 37505. Sample nos. 60925-B, 61229-B, 61230-B, 61233-B, 61234-B, 61778-B, 61779-B, 61784-B, 61785-B, 61788-B.)

These cases involved olive oil that was adulterated with tea-seed oil and a part of which also was short in volume.

On March 18, 24, 27, 28, and April 1, 1936, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 246 gallon cans, 64 half-gallon cans, 144 pint cans, and 168 half-pint cans of alleged olive oil in various lots at Newark, Jersey City, Union City, Paterson, and West New York, N. J., alleging that the article had been shipped in interstate commerce between the dates of October 28, 1935, and March 4, 1936, by Arte Products, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, olive oil; and in that the following statements and designs appearing upon the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: (Arte brand) "Superfine Pure Olive Oil Imported Product * * * Puro Olio d'Oliva Sopraffino prodotto Importato [designs of olive branches, Italian coat of arms, and Italian flag], "Imported Olive Oil"; (Elena brand) " * * * Superfine Quality Elena * * * Pure Olive Oil Imported from Italy", "Qualita Sopraffino Elena * * * Puro Olio D'Oliva Importato Dall' Italia [design of olive branch]", "This Olive Oil is guaranteed to be absolutely pure and is highly recommended * * * Questo Olio D'Oliva e garantito assolutamente puro ed e raccomandato per uso tavola e medicinale", "Imported Olive Oil"; (O Sole Mio brand) "O Sole Mio Virgin Extra Sublime Olive Oil Imported from Lucca-Italy", "O Sole Mio Olio D'Oliva Vergine Extra Sublime Importato Da Lucca-Italy [design of olive branches]", "O Sole Mio Italian Olive Oil is produced with selected ripe olives from the finest regions available. That is why the quality is uniformly 'Of the Best' at all times. Absolutely pure in all respects and so guaranteed under chemical analysis. * * * O Sole Mio Olio Di Oliva Italiano e prodotto con olive scelte della migliore provenienza. Ed e per questo che la qualita e sempre indiscutibilmente superiore. Assolutamente puro sotto ogni rispetto e garantito come tale verso analisi chimica. Non dovete esitare ad usare questo olio di oliva liberamente per la cucina e per insalata. E pure ottimo per uso medicinale"; (Toscana brand) "Italian Product Pure Olive Oil Toscana * * * Choicest Quality", "Prodotto Italiano Puro